

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

STEPHEN P. KELLY,

Plaintiff,

vs.

CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS, et al.,

Defendants.

CV 20-56-BU-BMM

**ORDER ON PLAINTIFF'S
MOTION FOR LEAVE TO FILE
SECOND AMENDED
COMPLAINT (DOC. 23).**

Plaintiff Kelly filed a Motion for Leave to File Second Amended Complaint (Doc. 23) on March 29, 2021. Defendants oppose Plaintiff's motion. Doc. 25. The Court notes that the parties appear to agree that there exists little merit to Plaintiff's initial allegations that Defendants refused to terminate Plaintiff's membership. Docs. 21 & 25. Plaintiff claims, without providing any detail, that he maintains alternative claims against Defendants. Doc. 23. Given Plaintiff's pro se status, the Court will provide Plaintiff with some leeway with his pleadings. The Court will not allow, however, this litigation to languish. For good cause showing, Plaintiff's Motion for Leave to File Second Amended Complaint (Doc. 23) is granted.

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Leave to File Second Amended Complaint (Doc. 23) is **GRANTED**.
2. Plaintiff shall file a Second Amended Complaint on or before June 11, 2021.
3. Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 25) is **DENIED**, without prejudice, as moot.
4. Defendants may renew this motion or file an amended motion to dismiss, responding to the allegations contained in Plaintiff's Second Amended Complaint, within two weeks of the date on which Plaintiff files his Second Amended Complaint.
5. If Defendants do file such a motion, Plaintiff shall file a response brief within two weeks of the date on which Defendants file their motion to dismiss.

Dated the 26th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court